

REMARKS

Claim 31 is canceled to correct a duplication in a claim numbered 31, and claims 37-38 are added to reflect the subject matter of one of each previous claim 31. Claims 1-30 and 32-38 are pending.

In response to the Restriction Requirement dated June 23, 2006, Applicant provisionally elects, with traverse, the invention of Group I (claims 1-8 and 20), directed to a cholesterol recognition/interaction amino acid consensus sequence comprising Z- (X)₀₋₅-Y- (X)₀₋₅-Q (SEQ ID NO:26) wherein Z is a neutral hydrophobic amino acid, Y is a neutral polar amino acid, Q is a basic amino acid and X is any amino acid. Reconsideration and withdrawal of the Restriction Requirement, in view of the remarks below, is respectfully requested.

The Restriction Requirement is traversed on the basis that the inventions are closely related. That is, claims directed to a cholesterol recognition/interaction amino acid consensus sequence comprising Z- (X)₀₋₅-Y- (X)₀₋₅-Q (SEQ ID NO:26) wherein Z is a neutral hydrophobic amino acid, Y is a neutral polar amino acid, Q is a basic amino acid and X is any amino acid (claims 1-8 and 20; Group I) are related to claims directed to methods of using the peptide (claims 21-26, Groups III-VIII, respectively), and claims directed to a molecule having the peptide (claims 27-28; Group IX).

The Restriction Requirement is also traversed on the basis that Restriction Requirements are optional in all cases. M.P.E.P. § 803. If the search and examination of at least a portion of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it arguably may include claims to distinct or independent inventions. M.P.E.P. § 803. Moreover, it is submitted that Applicant should not be required to incur the additional costs associated with filing of multiple divisional applications in order to obtain protection for the claimed subject matter. Due to the relatedness of the subject matter of at least the claims in Group I and Groups III-IX, as discussed above, those Groups can efficiently and effectively searched in a single search with no additional burden placed on the Examiner.

Moreover, claim 1 links the inventions of Group I and Groups III-IX. Therefore, the claims in those Groups should be examined in the same application. M.P.E.P. § 809.

Thus, the Restriction Requirement is properly traversed. Accordingly, reconsideration

and withdrawal of the Restriction Requirement is respectfully requested.

In addition, Applicant's Representatives respectfully request rejoinder of the claims in Groups III-VIII (methods of using the peptide) with the claims in Group I, upon a notice of allowance for the claims in Group I.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6959 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By their Representatives,

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By

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31 day of July, 2006.

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